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7 UNITED STATES DISTRICT COURT
8
9 SOUTHERN DISTRICT OF CALIFORNIA

10	ESTATE OF GERARDO VALENTINEZ,)	Case No. 08cv0781 BEN(WMc)
	et al.,)	
11	Plaintiffs,)	
12	v.)	JOINT MOTION FOR ORDER TO
)	DISCLOSE AUTOPSY PHOTOGRAPHS
13	UNITED STATES OF AMERICA,)	
	et al.,)	
14)	
15	Defendants.)	

16 Defendant, United States of America, and Plaintiffs, The Estate
17 of Gerardo Valentez and Skye Valentez, through their counsel of
18 record, jointly move this Court for an order directing the County of
19 San Diego, Medical Examiner to release autopsy photos to the parties
20 herein.

21 The parties bring this motion for good cause based upon the
22 following:

23 1. This is a wrongful death suit alleging that excessive force
24 on the part of United States Custom and Border Protection (CBP)
25 Officers resulted in the death of the Plaintiffs' decedent. Defendant
26 alleges that the force used was reasonable in degree and was
27 necessary to defend against decedent's violent efforts to resist
28 arrest.

2. The County of San Diego Medical Examiner performed an autopsy on decedent Gerardo Valentinez on March 28, 2007. The autopsy is designated ME#07-0714. The parties understand that photographs were taken during the autopsy. Such photographs may be relevant to a determination of the nature and degree of force used by and against decedent.

3. The Office of the Medical Examiner has advised the Office of the United States Attorney that a court order, and not simply a subpoena, is required in order to release autopsy photographs. An appropriate proposed order is submitted to the Court in accordance with this Court's Electronic Case Filing Procedures, Section 2(h).

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures of the United States District Court for the Southern District of California, I certify that the content of this document, and the accompanying proposed order, is acceptable to counsel for Plaintiffs and that I have obtained authorization from counsel to affix their electronic signature to this document.

DATED: 9/8/08

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s/ Richard Tolles
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DATED: 9/8/08

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